

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

BETTY JACKSON, et al.,  
Plaintiffs,

V.

Case No. 6:19-cv-00621-ADA-DTG

## Jury Trial Demanded

UNITED STATES OF AMERICA  
Defendant.

**ORDER GRANTING IN PART, DENYING IN PART JOINT MOTION  
TO MODIFY SCHEDULING ORDER (ECF NO. 34) AND  
ENTERING SECOND AMENDED SCHEDULING ORDER**

Before Court is ECF No. 34, the parties' joint motion to modify the scheduling order. The parties seek a schedule modification because as of today, Plaintiffs have not responded to Defendant's Motion for Summary Judgment filed on September 21, 2023. ECF No. 33. The current Scheduling Order provides for an Initial Pretrial Conference on November 14, 2023, with Trial to commence on February 5, 2024. ECF No. 32. The parties state that Plaintiffs' Response to Defendant's Motion for Summary Judgment, if any, will be filed no later than November 20, 2023. ECF No. 34 at 1. As a result of such agreement and to serve the interest of justice instead of granting the Motion as unopposed,<sup>1</sup> the Court **GRANTS** the Joint Motion to Modify Scheduling Order but **DENIES** the

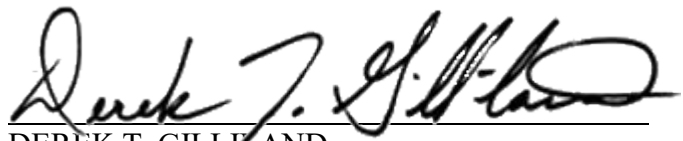
<sup>1</sup> Plaintiffs’ response to Defendant’s motion was due October 5, 2023, because that date was 14 days after the motion was filed, which is the response time provided by the Local Rules. W.D. Tex. Loc. R. 7(d)(2). The Court could have granted Defendant’s motion as unopposed because under the Local Rules, “If there is no response filed within the time period prescribed by this rule, the court may grant the motion as unopposed.” W.D. Tex. Loc. R. 7(d)(2). However, as explained in this order, the Court is granting the joint motion to modify the scheduling order.

request to defer setting a trial date until after ruling on the dispositive motions. Deadlines the pretrial conference to take place after November 20, 2023, and **ORDERS** Plaintiff to file its response brief on or before November 20, 2023. The Court will **DENY** the parties' request to vacate the Trial setting, as that date can be maintained with the current briefing schedule. Pursuant to Rule 16 of the Federal Rules of Civil Procedure, the Court **ORDERS** entry of a Second Amended Scheduling Order.

<b>Modified Deadline</b>	<b>Event</b>
<b>Passed</b>	Parties shall designate Rebuttal Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness reports, to include all information required by Rule 16(a)(2)(B).
<b>Passed</b>	Expert Discovery Deadline. Expert discovery must be completed by this date.
<b>Passed</b>	Fact Discovery Deadline. Fact discovery must be completed by this date. Any fact discovery requests must be propounded so that the responses are due by this date.
<b>Passed</b>	The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before this date. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorneys' fees and court costs at the conclusion of trial.
<b>Passed</b>	Each opposing party shall respond, in writing, to the written offer of settlement made by the parties asserting claims for relief by this date. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorneys' fees and court costs at the conclusion of trial.
<b>Passed</b>	Deadline to file any Daubert motions and challenge to or motion to exclude expert witnesses. Any such motion must specifically state the basis for the objection and identify the objectionable testimony.
<b>Passed</b>	All dispositive motions shall be filed and served on all other parties on or before this date and shall be limited to 25 pages. Responses shall be filed and served on all other parties not later than 14 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 7 days after the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion.
<b>November 20, 2023</b>	Responses to dispositive motions shall be filed and served on all other parties on or before this date and shall be limited to 20 pages.

	Any replies in support of dispositive motions shall be filed and served on all other parties not later than 7 days after the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion
<b>January 10, 2024</b>	Initial Pretrial Conference
<b>February 5, 2024 (no change)</b>	Jury Selection and Jury Trial Commences

**SIGNED** this 6th day of November, 2023.

A handwritten signature in black ink, appearing to read "Derek T. Gilliland", written over a horizontal line.

DEREK T. GILLILAND  
UNITED STATES MAGISTRATE JUDGE